

RESOLUTION NUMBER R- 300531

ADOPTED ON JUN 14 2005

RESOLUTION OF INTENTION TO FORM THE BIRD ROCK
MAINTENANCE ASSESSMENT DISTRICT AND TO LEVY
AND COLLECT FISCAL YEAR 2006 ANNUAL
ASSESSMENTS ON BIRD ROCK MAINTENANCE
ASSESSMENT DISTRICT.

BE IT RESOLVED, by the Council of the City of San Diego, that the Council hereby intends to order the formation of a maintenance assessment district to be designated the Bird Rock Maintenance Assessment District [District] pursuant to California Streets and Highways Code sections 22500 *et seq.*

BE IT FURTHER RESOLVED, that the Council proposes and intends to levy and collect assessments to pay a prescribed portion of the cost of future improvements, maintenance and/or services of those items described in the Engineer's Report for the Bird Rock Maintenance Assessment District [Report], located within the boundaries of the District, in the City under the provisions of Article XIII D, section 4 of the California Constitution and California Government Code sections 53739, 53750, 53753, 53753.5, and 54954.6 [collectively referred to herein as the Law].

BE IT FURTHER RESOLVED, that the proposed improvements, maintenance and/or services for the District consist in general of those items described in the Report. The maintenance and/or services shall be for a period of one year, terminating on June 30, 2006.

BE IT FURTHER RESOLVED, that the District is described as all that real property in the City of San Diego included within the exterior boundary lines of the map [Map] designated as the District, filed in the office of the City Clerk under Document No. 300531-1

excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the Map for a further and more particular description of the District, so on file, and shall govern for all details as to the extent of the District.

BE IT FURTHER RESOLVED, that the cost and expense of the contemplated improvements, maintenance and/or services are made chargeable upon the District, and the Council does declare that certain properties within the District as identified in the Report receive special benefit by the proposed improvements, maintenance and/or services.

BE IT FURTHER RESOLVED, that the City Council proposes to assess those properties within the District which receive a special benefit from the proposed improvements, maintenance and/or services for the total amount of costs of such improvements, maintenance and /or services to be provided in the District, plus the incidental expenses thereto, to be received by the individual parcels of real property within the District. The estimated expenses, revenues and reserves are as follows:

	<u>FUND</u>	
<u>DESCRIPTION</u>	<u>FY 2006</u>	<u>MAXIMUM AUTHORIZED</u>
EXPENSES		
Contract	\$ 0	\$ 75,000
Incidentals	115,000	57,500
Outlay	25,007	27,007
Energy & Utilities	0	5,500
TOTAL		
EXPENSES	<u>\$ 140,007</u>	<u>\$165,007</u>
REVENUES:		
Assessments	\$165,007	\$ 177,885
City Contributions-Gas Tax	0	20,000
Interest	0	5,000
TOTAL REVENUE	<u>\$165,007</u>	<u>\$ 202,885</u>
RESERVES	\$ 25,000	\$ 37,878

The Council may order a portion of the costs of improvements, maintenance and/or services to be paid by the City from appropriate funds. A statement of the proposed assessments levied against the several lots or parcels of land as shown on the map referred to above, is on file in the office of Park and Recreation, Northern Parks Division.

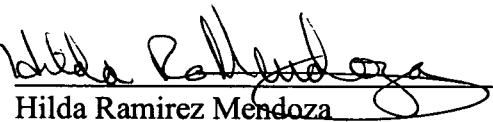
BE IT FURTHER RESOLVED, that the Report, prepared by an assessment engineer pursuant to the Law and has been duly considered by this Council, submitted in connection with the District, and filed in the office of the City Clerk as Document No. RR- 300531-2, be and the same is hereby preliminarily approved for purposes of this hearing.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to set a date for a public hearing for the proposed formation of the District, levy of assessments, and administration of the contracts for goods and services within at least forty-five days after the mailing of assessment ballots. Such hearing shall be held on August 2, 2005 at 10:00 a.m. in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California, and is the day, hour and place for the hearing when any person interested may object to the proposed improvements, maintenance and/or services or the proposed assessment. This hearing may be continued from time to time. Failure to make objections at the time of the hearing, or any continuance thereof, will be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages. Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and shall be delivered to and filed with the City Clerk at a time no later than prior to the conclusion of the public testimony on the proposed assessment at the hearing or continuance thereof. Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Assessment District

Administrator at the World Trade Center, 1250 Sixth Avenue, Fourth Floor, MS 804A, San Diego, California 92101 or telephone (619) 533-6778.

BE IT FURTHER RESOLVED, that the City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five days before the date of the hearing, postage prepaid, to all property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in the Law.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Hilda Ramirez Mendoza
Deputy City Attorney

HRM:cfq
05/19/05
Or.Dept: Park & Rec.
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